V. Claims 96-99, drawn to a nucleic acid encoding VN3;

VI. Claims 96-99, drawn to a nucleic acid encoding VN4;

VII. Claims 96-99, drawn to a nucleic acid encoding VN5;

VIII. Claims 96-99, drawn to a nucleic acid encoding VN6; and

IX. Claims 96-99, drawn to a nucleic acid encoding VN7.

In response, applicants hereby elect with traverse Group III, claims 96-99, drawn to a nucleic acid encoding VN1, for prosecution at this time.

REMARKS

Applicants thank Examiner Pak for his time and consideration during the July 31, 2003 informal telephone interview. During the interview, Examiner Pak made clear to Mr. Morrison that upon election of Group III, the subject matter to be searched and examined will include, without limitation, the isolated nucleic acid molecule, as recited in claim 96, wherein the nucleic acid molecule encodes either the VN1 protein or a protein that shares at least 47 to 87 percent amino acid sequence identity with the VN1 protein.

Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement. Under 35 U.S.C. §121, restriction may be required if two or more independent and distinct inventions are claimed in one application.

The inventions of group I-IX are not independent. Under M.P.E.P. §802.01, "independent" means there is no disclosed relationship between the subject matter claimed. The inventions of Groups I-IX all relate to a family of vertebrate

pheromone receptors. Applicants therefore maintain that Groups I-IX are not independent and restriction is not proper.

Furthermore, under M.P.E.P. §803, the Examiner must examine the application on the merits if examination can be made without serious burden, even if the application would include claims to distinct or independent inventions. That is, there are two criteria for a proper requirement for restriction: (1) the invention must be independent and distinct, and (2) there must be a serious burden on the Examiner if restriction were not required.

Applicants respectfully submit that there would not be a serious burden on the Examiner if restriction were not required, because a search of the prior art relevant to the claims of Groups I, II and IV-IX would not require a serious burden once the prior art for Group III has been identified.

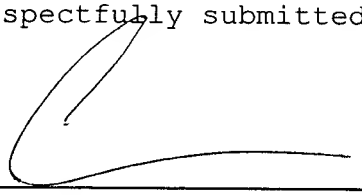
Therefore, there is no burden on the Examiner to examine Groups I-IX together in the subject application. Hence, the Examiner must examine the entire application on the merits.

In view of the foregoing, applicants maintain that restriction is not proper under 35 U.S.C. §121, and respectfully request that the Examiner reconsider and withdraw the requirement for restriction.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee is deemed necessary in connection with this Communication. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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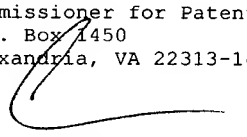

8/1/03
Date

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